

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM T. WHITMAN, individually and on) NO. 3:19-cv-06025-BJR
behalf of all others similarly situated,)

Plaintiff,)

vs.)

STATE FARM LIFE INSURANCE)
COMPANY,)

Defendant.)

**PROPOSED ORDER GRANTING
PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

Proposed class representative William T. Whitman has filed a motion for class certification of this case as a class action pursuant to Rule 23(a) and (b)(2) and (b)(3) of the Federal Rules of Civil Procedure and for an Order certifying a plaintiff class and appointing a class representative and class counsel. The Court has considered the submissions and arguments of counsel, and **IT IS HEREBY ORDERED THAT:**

The Motion for Class Certification is **GRANTED**.

The proposed class (the "Class") is composed of and defined as:

1 All persons who own or owned a universal life insurance policy issued by
2 State Farm on Form 94030 in the State of Washington whose policy was
in-force on or after January 1, 2002 and who was subject to at least one
monthly deduction.

3 Excluded from the Class are: State Farm; any entity in which State Farm
4 has a controlling interest; any of the officers, directors, or employees of
State Farm; the legal representatives, heirs, successors, and assigns of
5 State Farm; anyone employed with Plaintiff's counsel's firms; any Judge
to whom this case is assigned, and his or her immediate family; and
6 policies that insured males with an issue age of zero and terminated in the
first policy year.

7 Plaintiff has demonstrated that the requirements of Rule 23(a) have been met. Specifically,
8 Plaintiff has demonstrated that the Class "is so numerous that joinder of all members is impracticable."
9 Fed. R. Civ. P. 23(a)(1). Plaintiff has further demonstrated that questions of law or fact are common to
10 the Class, that their claims arise from the same event or practice or course of conduct and are typical of
11 the claims of other Class members. Fed. R. Civ. P. (a)(2)-(3). Plaintiff and Counsel have also
12 demonstrated their adequacy pursuant to Fed. R. Civ. P. 23(a)(4). There are no conflicts between
13 Plaintiff and the other members of the proposed Class and Plaintiff's interests are co-extensive with
14 those members of the Class he represents. The Court thus appoints Plaintiff Whitman as the class
15 representative.

16 Plaintiff has satisfied the requirements of Rule 23(b)(3) in that the Court finds that certification
17 pursuant to 23(b)(3) is appropriate as questions of law or fact common to class members predominate
18 over any questions affecting only individual members, and that a class action is superior to other
19 available methods for fairly and efficiently adjudicating the controversy.

20 Plaintiff has also satisfied the requirements of Rule 23(b)(2) on his claim for declaratory and
21 injunctive relief because State Farm "has acted or refused to act on grounds that apply generally to the
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1 class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the
2 class as a whole.” Fed. R. Civ. P. 23(b)(2).

3 Finally, the Court finds that counsel for Plaintiff, Stueve Siegel Hanson LLP; Miller Schirger,
4 LLC; Tousley Brain Stephens PLLC; Barrack Rodos & Bacine; and Sarraf Gentile LLP, satisfy the
5 requirements set forth in Rule 23(g)(1) and (g)(4), are adequate counsel and are hereby appointed Class
6 Counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

7 **IT IS SO ORDERED.**

8 DATED this _____ day of _____, 2021.

9
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11 _____
Honorable Barbara J. Rothstein
12 UNITED STATES DISTRICT JUDGE

13 Presented by:

14
15 TOUSLEY BRAIN STEPHENS PLLC

16 By: s/ Kim D. Stephens
Kim D. Stephens, P.S. WSBA #11984

17 By: Rebecca L. Solomon
18 Rebecca L. Solomon, WSBA #51520
19 Email: kstephens@tousley.com
rsolomon@tousley.com

20 Norman E. Siegel (*admitted pro hac vice*)
siegel@stuevesiegel.com
21 Lindsay Todd Perkins (*admitted pro hac vice*)
perkins@stuevesiegel.com
22 Ethan Lange (*admitted pro hac vice*)
lange@stuevesiegel.com
23 STUEVE SIEGEL HANSON LLP

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TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992

1 John J. Schirger (*admitted pro hac vice*)
2 jschirger@millerschirger.com
Matthew W. Lytle (*admitted pro hac vice*)
3 mlytle@millerschirger.com
Joseph M. Feierabend (*admitted pro hac vice*)
4 jfeierabend@millerschirger.com
MILLER SCHIRGER, LLC

5
6 Stephen R. Bassar (*admitted pro hac vice*)
sbassar@barrack.com
BARRACK, RODOS & BACINE

7
8 Joseph Gentile
joseph@sarrafgentile.com
Ronen Sarraf
9 ronen@sarrafgentile.com
SARRAF GENTILE LLP

10 ***Attorneys for Plaintiff William T. Whitman***
4836-5645-8460, v. 1